

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

LEE H. PLACCHI

(b) County of Residence of First Listed Plaintiff _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC

County of Residence of First Listed Defendant _____

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 373 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Emp'l. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN

(Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C SECTION 1692

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) (See instructions): JUDGE DOCKET NUMBER

Explanation:

4/8/11

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 102 Turner Ave., Las Cruces, New Mexico, 88005

Address of Defendant: 567 Prudential Rd., Horsham, PA 19044

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____

Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)

7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify)

10. Social Security Review Cases

11. All other Federal Question Cases 15 U.S.C. 1492

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

Craig Thor Kimmel, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 4/8/11

Craig Thor Kimmel
Attorney-at-Law

57160
Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/8/11

Craig Thor Kimmel
Attorney-at-Law

57160
Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Lee H. Placchi : CIVIL ACTION
v. :
NCO Financial Systems, Inc. : NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

4/8/11
Date

Craig Thor Kimmel
Attorney-at-Law

Lee H. Placchi
Attorney for

215-540-8888

877-188-2864

Kimmel@creditlaw.com

Telephone

FAX Number

E-Mail Address

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

LEE H. PLACCHI,)
Plaintiff)
v.)
NCO FINANCIAL SYSTEMS, INC.,)
Defendant)
Case No.:)
COMPLAINT AND DEMAND FOR)
JURY TRIAL)
(Unlawful Debt Collection Practices)

COMPLAINT

LEE H. PLACCHI ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C.,
alleges the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business and has an office in the Commonwealth of Pennsylvania and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in Las Cruces, New Mexico, 88005.

7. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national debt collection company with corporate headquarters at 507 Prudential Road in Horsham, Pennsylvania, 19044.

located at 507 Prudential Road in Horsham, Pennsylvania, 19044.

9. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

PRELIMINARY STATEMENT

11. The Fair Debt Collection Practices Act ("FDCPA") is a comprehensive statute, which prohibits a catalog of activities in connection with the collection of debts by third parties.

See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil liability on any person or entity that violates its provisions, and establishes general standards of debt collector conduct, defines abuse, and provides for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or unconscionable conduct, both generally and in a specific list of disapproved practices.

12. In particular, the FDCPA broadly enumerates several practices considered contrary to its stated purpose, and forbids debt collectors from taking such action. The substantive heart of the FDCPA lies in three broad prohibitions. First, a "debt collector may not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt." 15 U.S.C. § 1692d. Second, a "debt

1 collector may not use any false, deceptive, or misleading representation or means in connection
2 with the collection of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use
3 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692f.
4 The FDCPA is designed to protect consumers from unscrupulous collectors, whether or not there
5 exists a valid debt, broadly prohibits unfair or unconscionable collection methods, conduct which
6 harasses, oppresses or abuses any debtor, and any false, deceptive or misleading statements in
7 connection with the collection of a debt.

8 13. In enacting the FDCPA, the United States Congress found that “[t]here is
9 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many
10 debt collectors,” which “contribute to the number of personal bankruptcies, to marital instability,
11 to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692a. Congress
12 additionally found existing laws and procedures for redressing debt collection injuries to be
13 inadequate to protect consumers. 15 U.S.C. § 1692b.

14. Congress enacted the FDCPA to regulate the collection of consumer debts by debt
15 collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection
16 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt
17 collection practices are not competitively disadvantaged, and to promote consistent State action
18 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692e.

21 FACTUAL ALLEGATIONS

22 15. At all relevant times, Defendant was attempting to collect an alleged consumer
23 debt from Plaintiff.

24 16. The alleged debt at issue arose out of transactions, which were primarily for
25 personal, family, or household purposes.

1 17. Beginning in May of 2010, Defendant and its employees engaged in debt
2 collection activities seeking payment from Plaintiff.

3 18. Defendant called Plaintiff's mother in search of Plaintiff on multiple occasions
4 including but not limited to, May 15, 2010; May 18, 2010; May 19, 2010 at 8:47a.m.; 7:30p.m.
5 and 8:00p.m.; May 20, 2010 at 10:59a.m.; 7:30p.m. and 8:00p.m.; and May 21, 2010 at 5:27p.m.
6 from the following phone numbers (215) 441-3000, (800) 260-5570. The undersigned has
7 confirmed that the number belongs to Defendant.

8 19. Defendant was pushy with Plaintiff's mother, demanding to know: "is Lee
9 there?" and "how can I reach him?"

10 20. At least once On May 20, 2010 when Plaintiff's mother answered the Defendant's
11 call she heard: "all our associates are currently unavailable", indicating that a robo-dialer was
12 making the calls.

13 21. Defendant's constant calls to Plaintiff's mother caused her unnecessary stress and
14 concern.

15 22. On May 21, 2010, Plaintiff received six (6) collection calls from Defendant.

16 23. Defendant contacted Plaintiff on May 22, 2010 before 8:00 o'clock in the
17 morning and continued to call every couple hours thereafter.

18 24. Defendant and its employees harassed Plaintiff by making continuous calls to his
19 home telephone number/work telephone number.

20 25. Defendant placed repeated calls to Plaintiff's telephone almost every day, causing
21 Plaintiff to receive, at times, more than two (2) collection calls a day and at times, more than
22 four (4) collection calls a day.

23 26. Defendant contacted Plaintiff on May 23, 2010 after 9:00 o'clock at night.

27. On May 23, 2010 Defendant called Plaintiff, but refused to tell Plaintiff the reason for the call until Plaintiff provided the last four digits of his social security number.

28. At no time did Defendant discuss with Plaintiff the amount of money that was allegedly owed.

29. Defendant went on to tell Plaintiff that this unpaid debt would affect his credit rating.

30. Plaintiff received twenty (20) collection calls within the month of May 2010.

31. On or around May 25, 2010, Plaintiff received a letter from Defendant dated May 19, 2010. A true and correct copy of the May 19, 2010 letter is attached hereto as Exhibit "A".

32. Defendant's letter informed Plaintiff that his "Capital One Bank (USA), N.A." account had been turned over to Defendant for collection.

33. Defendant's actions in attempting to collect the alleged debt were harassing, abusive and highly deceptive.

CONSTRUCTION OF APPLICABLE LAW

34. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry, deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). “Because the Act imposes strict liability, a consumer need not show intentional conduct by the debt collector to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996); see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding unintentional misrepresentation of debt collector’s legal status violated FDCPA); Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

35. The FDCPA is a remedial statute, and therefore must be construed liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts interpret it liberally. Clark v. Capital Credit

1 & Collection Services, Inc., 460 F. 3d 1162 (9th Cir. 2006). "Because the FDCPA, like the
 2 Truth in Lending Act (TILA) 15 U.S.C. §1601 *et seq.*, is a remedial statute, it should be
 3 construed liberally in favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir.
 4 2002).

5 36. The FDCPA is to be interpreted in accordance with the "least sophisticated"
 6 consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano
 7 v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc.,
 8 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not "made for the protection of experts, but for
 9 the public - that vast multitude which includes the ignorant, the unthinking, and the credulous,
 10 and the fact that a false statement may be obviously false to those who are trained and
 11 experienced does not change its character, nor take away its power to deceive others less
 12 experienced." Id. The least sophisticated consumer standard serves a dual purpose in that it
 13 ensures protection of all consumers, even naive and trusting, against deceptive collection
 14 practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of
 15 collection notices. Clomon, 988 F. 2d at 1318.

17 **COUNT I**
 18 **DEFENDANT VIOLATED THE**
 19 **FAIR DEBT COLLECTION PRACTICES ACT**

20 37. In its actions to collect a disputed debt, Defendant violated the FDCPA in one or
 21 more of the following ways:

22 a. Defendant violated of the FDCPA generally;
 23 b. Defendant violated § 1692b(2) of the FDCPA by stating the Plaintiff owed a
 24 debt to another person, specifically Plaintiff's mother;
 25 c. Defendant violated § 1692b(3) of the FDCPA by communicating with
 Plaintiff's mother more than once about a debt alleged to be owed by

1 Plaintiff;

2 d. Defendant violated § 1692c(a)(1) of the FDCPA when it contacted the
3 Plaintiff at an unusual time or place or a time and place known or should be
4 known to be inconvenient to the Plaintiff in connection with the collection of
5 a debt; specifically in the absence of knowledge of circumstances to the
6 contrary, a debt collector shall assume that the convenient time for
7 communicating with a consumer is after 8 o'clock antemeridian and before 9
8 o'clock postmeridian, local time at the consumer's location;

9 e. Defendant violated § 1692c(b) of the FDCPA by communicating with
10 Plaintiff's mother about a debt alleged to be owed by Plaintiff without
11 Plaintiff's prior consent;

12 f. Defendant violated § 1692d of the FDCPA by harassing Plaintiff in
13 connection with the collection of an alleged debt;

14 g. Defendant violated § 1692d(5) of the FDCPA, when it caused the Plaintiff's
15 telephone to ring repeatedly or continuously with the intent to harass, annoy
16 or abuse Plaintiff;

17 h. Defendant violated § 1692f of the FDCPA by using unfair and
18 unconscionable means with Plaintiff to collect or attempt to collect a debt;

19 i. Defendant acted in an otherwise deceptive, unfair and unconscionable manner
20 and failed to comply with the FDCPA.

21 WHEREFORE, Plaintiff, LEE H. PLACCHI, respectfully pray for a judgment as follows:

22 a. All actual compensatory damages suffered pursuant to 15 U.S.C. §
23 1692k(a)(1);

- 1 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to
- 2 15 U.S.C. § 1692k(a)(2)(A);
- 3 c. All reasonable attorneys' fees, witness fees, court costs and other litigation
- 4 costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- 5 d. Any other relief deemed appropriate by this Honorable Court.

7 **DEMAND FOR JURY TRIAL**

8 PLEASE TAKE NOTICE that Plaintiff, LEE H. PLACCHI, demands a jury trial in this
9 case.

10 RESPECTFULLY SUBMITTED,

12 DATED: 4/8/11

13 KIMMEL & SILVERMAN, P.C..

14 By: _____

15 Craig Thor Kimmel
16 Attorney ID # 57100
17 Kimmel & Silverman, P.C.
18 30 E. Butler Pike
19 Ambler, PA 19002
Phone: (215) 540-8888
Fax: (877) 788-2864
Email: kimmel@creditlaw.com

PO Box 12100
DEPT 64
Trenton, NJ 08650



4740 Baxter Road
Virginia Beach VA 23462

NCO FINANCIAL SYSTEMS INC

1-800-260-5570
OFFICE HOURS (ALL TIMES EASTERN)
8AM-1PM MON THRU THURSDAY
8AM-9PM FRIDAY
8AM-5PM SATURDAY
9AM-8PM SUNDAY
May 19, 2010

830-OSJ-793

2001XJ
LEE H PLACCHI

Creditor: CAPITAL ONE BANK (USA), N.A.
Account #: 6495
Total Balance: \$3152.70

The above named creditor has placed this account with our office for collection. It is important that you forward payment in full.

Send payment in full to your creditor at the address listed below. If you need to speak to a representative, contact us at 1-800-260-5570.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office, in writing, within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

Calls to or from this company may be monitored or recorded for quality assurance.

**IF THE STATUTE OF LIMITATIONS HAS EXPIRED YOU
CANNOT BE SUED ON THIS DEBT.**

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

0000000 0

6495 00 00000000000000000000

Total Balance: \$ 3152.70

Please print address changes below using blue or black ink

Total enclosed \$

Street _____ Apt. # _____

City _____ State _____ ZIP _____

Home Phone _____ Alternate Phone _____

2001XJ
LEE H PLACCHI
CAPITAL ONE BANK (USA), N.A.
PO Box 71083
Charlotte NC 28272-1083



NCOP F9
793